



# PART 2

## Application process



# Part 2 Application Process

## Contents

2.1 Introduction

2.2 Pre-lodgement Advisory Service

2.3 Types of Development

2.3.1 Aims of this Part

2.3.2 What are the Types of Development?

2.3.3 Exempt and Development

2.4 Neighbourhood Notification and Advertising of Development Applications

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## 2.1 Introduction

This part provides an overview of the Development Application process. It should be read in conjunction with the relevant sections of this DCP relating to the specific type of development proposed (e.g. residential, commercial, industrial etc).

## 2.2 Pre-lodgement Advisory Service

To demonstrate that proper planning process has been undertaken in the formulation of a development proposal, consultation should be undertaken by way of Council's Pre-lodgement Advisory Service.

The Pre-Lodgement Advisory Service will provide comprehensive early advice which will assist applicants to decide whether or not to proceed with a proposed development.

Pre-lodgement consultation is strongly recommended for the following types of development:

- The construction of any new building.
- Any major change of use e.g. a change of use of a whole office building to retail or recreation use.
- Child Care Centres.
- Places of Worship.
- Any work exceeding \$1 million in value.
- Any development that results in a non-compliance with Council's development controls.

Council's Pre-lodgement Advisory Service represents a valuable information-sharing opportunity to identify any issues that may arise to avoid delays, unnecessary financial loss and refusal of an application.

More information regarding this service can be found on the Development section of Council's website <https://www.georgesriver.nsw.gov.au>

## 2.3 Types of Development

### 2.3.1 Aims of this Part

The primary aim of this part is to provide supplementary guidance on the different types of development and assessment procedures.

### 2.3.2 What are the Types of Development?

Development of land includes but is not limited to:

- The use of land (includes changing the use of an existing building);

- The subdivision of land;
- The erection of a building;
- The carrying out of a work (such as residential alterations and additions, commercial fit-outs);
- The demolition of a building or work.

There are three main categories of development:

- Exempt development;
- Complying development; and
- Development where a development application is required.

## Exempt Development

Exempt Development is a category for minor development with minimal environmental impact (such as some types of fences, driveways, awnings and the like). Exempt development does not require Council approval, provided it meets all the specified restrictions listed on the relevant legislation (such as location, size, materials, etc.) according to the type of development.

State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008 lists development types that are classified as exempt development and provides the corresponding requirements. Part 3 Exempt and Complying Development of the Georges River LEP 2020 contains provisions for additional development types which are not covered by the SEPP.

## Complying Development

Complying development is a category of development that can be addressed by specific pre-determined development standards or requirements. A Complying Development Certificate must be obtained stating that the proposal satisfies the requirements for complying development and in the case of a development involving the erection of a building, identifying the classification of the building in accordance with the Building Code of Australia (BCA). You may apply to either Council or an accredited certifier for a Complying Development Certificate. An application may be made by the owner of the land, or by any other person with the owner's consent.

SEPP (Exempt and Complying Development Codes) 2008 lists development types that are classified as complying development and provides the correspondent requirements. Part 3 Exempt and Complying Development of the Georges River LEP 2020 contains provisions for additional development types which are not covered by the SEPP.

Complying development on land can only be carried out upon receipt of and in accordance with a Complying Development Certificate, in accordance with any provisions of an environmental planning instrument or other legislation, codes and regulations that apply to the complying development and after appropriate fees and bonds have been paid.

## Development Applications

All other development will require a development application to be lodged with Council and will be subject to the provisions of the Georges River LEP 2020, relevant State Environmental Planning Policies (SEPPs), and this DCP.

Note: Refer to the Building and Development Section on Council's website to find detailed information on exempt and complying development, how to prepare a development application, development application checklists and the assessment process. You can also telephone Council's Customer Service Centre on (02) 9330 6400 and request assistance from the Duty Planner.

### 2.3.3 Exempt and Complying Development

#### How to Determine if Development Is Classified Exempt or Complying?

##### Step 1 Is my Development Exempt Development?

- SEPP Exempt and Complying Development Codes: Check this SEPP first. Your development must comply with the definition of exempt development, all general requirements and requirements specific to the development type listed on the Exempt Development Codes.

SEPP (Exempt and Complying Development Codes) 2008

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N>

- Georges River LEP 2020: Check any additional complying development provisions on Georges River LEP 2020. Your development must comply with all the requirements listed in Section 3.1 Exempt Development and all requirements for the specific development type listed in Schedule 2 Exempt Development of Georges River LEP 2020.

If your development is not exempt development, move to STEP 2.

##### Step 2 Is my development Complying Development?

- SEPP Exempt and Complying Development: Check this SEPP first. Your development must comply with the definition of complying development, all general requirements and requirements specific to the development type listed on the corresponding Development Codes.

- Georges River LEP 2020: Check any additional complying development provisions on Georges River LEP 2020. Your development must comply with any requirements listed in Section 3.2 Complying Development and all requirements for the specific development type listed in Schedule 3 Complying Development of Georges River LEP 2020.

If your development is complying development you will need to obtain a Complying Development Certificate either from Georges River Council or from an Accredited Certifier. If your development is not complying development, move to STEP 3.

Note: Exempt and Complying Development provisions do not apply to all allotments in the Georges River Local Government Area. For example, sites of heritage significance may be excluded. For your development to be classified as either exempt or complying development, it will need to comply with ALL the specified requirements, conditions and standards. If it does not, a development application will need to be submitted for Council's approval. Please refer to the SEPP Exempt and Complying Development and Georges River LEP 2020 to understand all restrictions that apply to your site or development.

### Step 3

#### Lodge a Development Application

Refer to the Council's Development Application Guide and the Development Section on Council's website to find detailed information on how to prepare a development application, development application checklists and the assessment process. You can also telephone Council's Customer Service Centre on (02) 9330 6400 and request assistance from the Duty Planner.

Important: Should any doubt exist as to whether a particular activity requires approval, consultation should be arranged with Council officers prior to any work commencing.

If your development can be classified as either exempt or complying, you are also advised to:

- Consult a building surveyor (accredited under the *Environmental Planning & Assessment Act 1979*) to ensure that works will comply with the Building Code of Australia and any relevant Australian Standards;
- Consult a structural engineer (who is a Corporate Member of the Institute of Engineers) where any activity may impact upon the structural stability of any structure; and
- Irrespective of this plan, ensure that you comply with all relevant Acts and Regulations.

## 2.4 Neighbour Notification and Advertising of Development Applications

Note: For requirements related to neighbour notification and advertising of Development Applications, refer to Council's Community Engagement Strategy 2018-2028.

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